

**COMMISSION ON STATE MANDATES**

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June 24, 2005

Richard S. Gordon  
President, Board of Supervisors  
County of San Mateo  
County Government Center  
Redwood City, CA 94063-1655

Dear Mr. Gordon:

This is in response to your June 10, 2005 letter to Mr. Tom Campbell, Director of Department of Finance and Chair of the Commission on State Mandates, regarding the Commission's reconsideration of the Regional Housing Needs Allocation program.

The Commission was required to reconsider this matter by Senate Bill 1102 (Statutes 2004, chapter 227). On March 30, 2005, the Commission reconsidered and determined that the test claim legislation that established the Regional Housing Needs program (Stats. 1980, ch. 1143) does not impose "costs mandated by the state" on councils of governments (COGs) within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17556, subdivision (d).

After the hearing, the Southern California Association of Governments, along with other COGs, appealed the decision. It was determined, at the June 10, 2005 Commission hearing, that the Commission did not have jurisdiction to reconsider this matter.

You are also requesting that the Commission reconsider its decision adopted on March 30, 2005.

Pursuant to Government Code section 17559 and section 1188.4 of the Commission's regulations; the Commission has the discretion to reconsider a prior final decision to correct an error of law. The petition must be filed within 30 days after the statement of decision is issued. The request for reconsideration is not a prerequisite for seeking judicial review of the Commission's decision.

Your request for Reconsideration was received on June 15, 2005. Therefore, the Commission does not have jurisdiction to consider this request for Reconsideration because the petition was not timely filed.

Finally, please note that SB 77 (the proposed conference committee budget, at page 147) contains at least \$1,000,000 in funding to assist regional councils of governments with their Regional Housing Needs Assessments.

Please contact Nancy Patton, Assistant Executive Director at (916) 323-8217 if you have further questions.

Sincerely,

Paula Higashi  
Executive Director